

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
August 21, 2006**

Court convene at 9:30 a.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California 92701. Panel members are O’Leary, Acting Presiding Justice, Moore, J. and Ikola, J. Antoinette Cajigal, deputy clerk attending.

G036935      ORANGE COUNTY SOCIAL SERVICES AGENCY  
                 v.  
                 JOSE R. ET AL.

Merits. Cause called. Richard Pfeiffer argued for appellant Angela R., Leslie Barry argued for appellant Jose R. Beth L. Lewis, Deputy County Counsel argued for Orange County Social Services Agency. Cause submitted.

G036352      DANIEL PEDLEY ET AL.  
                 v.  
                 SAN MARIN ASSOCIATION ET AL.

Merits. Cause called. William D. Coffee argued for appellants. David E. Hickey argued for respondents. Cause submitted.

G036435      SAN MARIN ASSOCIATION  
                 v.  
                 DANIEL PEDLEY ET AL.

Merits. Cause called. William D. Coffee argued for appellants. David E. Hickey argued for respondents. Cause submitted.

G036128      ROBERT FARMER  
                 v.  
                 COMMISSION OF PROFESSIONAL COMPETENCE;  
                 CAPISTRANO UNIFIED SCHOOL DISTRICT

Merits. Cause called. C. Brent Scott argued for appellant. David C. Larsen Argued for respondents. Cause submitted.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
August 21, 2006 (cont'd)**

G035781     SANDRA ANDRADE ET AL.  
                 v.  
                 DOLLAR TREE STORES, INC.

Merits. Cause called. Michael James Walsh argued for appellants. Curtis A. Cole argued for respondent. Cause submitted.

G035690     YVONNE M. HINES  
                 v.  
                 JOHN ANDERSON

Merits. Cause called. Meir J. Westreich argued for appellant. Phillip D. Eaton Argued for respondent. Submission deferred to allow additional briefing by Parties, due September 6, 2006 at 4:00 p.m. Matter submitted September 6, 2006.

Court declared a recess.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
August 21, 2006 (cont'd)**

Court reconvene at 1:30 p.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California 92701. Panel members are Sills, Presiding Justice, Aronson, J. and Fybel, J. Antoinette Cajigal, deputy clerk attending.

G035762     THE PEOPLE  
              v.  
              VIETTA LEE RAY

Merits. Cause called. Laura S. Kelly argued for appellant. Lynne McGinnes, Deputy Attorney General argued for respondent. Cause submitted.

G035385     THE PEOPLE  
              v.  
              GERALD KAPLAN

Merits. Cause called. Richard L. Schwartzberg argued for appellant. Ronald A. Jakob, Deputy Attorney General argued for respondent. Cause submitted.

G035067     MICHAEL MARTS ET. AL.  
              v.  
              MAY T. TONG ET. AL.

Merits. Cause called. Daniel J. DeWitt argued for appellants. Rooha Asifuddin argued for respondents. Cause submitted.

G035581     JULIET CUEVA  
              v.  
              SULZER ORTHOPEDICS, INC., ET. AL.

Merits. Cause called. Phillip K. Fife argued for appellant. Frank C. Rothrock argued for respondents. Cause submitted.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
August 21, 2006 (cont'd)**

G036152      FRANKLIN CAPITAL CORPORATION  
                 v.  
                 DOUGLAS WILSON ET. AL.

Merits. Cause called. Templeton Briggs argued for appellant. Paul Martin Brent argued for respondents. Submission deferred to allow additional etter briefs to be file by 4:00 p.m. on August 28, 2006. Matter to be submitted on August 28, 2006.

Court declared a recess.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
August 21, 2006 (cont'd)**

G035644     HUAN YAO WU et al.  
              v.  
              MEI HUI LIN

Order filed. It is hereby ordered that the opinion filed on July 21, 2006, be modified. The modification does not effect a change in the judgment. The petition for rehearing is DENIED.

Ikola, J.

We concur: O'Leary, Acting P.J.  
              Moore, J.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
August 22, 2006**

Court reconvene at 1:30 p.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California 92701. Panel members are Bedsworth, Acting Presiding Justice, O'Leary, J. and Ikola, J. Shahira Naqshbandy, deputy clerk attending.

G036015     BRAIN KINNACH  
              v.  
              THE HUNTINGTON APARTMENTS

Merits. Cause argued. Timothy J. Donahue argued for appellant. Priscilla F. Slocom argued for respondent. Cause submitted.

G035810     THE PEOPLE  
              v.  
              FRANCISCO RUVALCABAGARCIA et al.

Merits. Cause argued. John David Blair-Loy argued for appellant, Miguel De Loa. Michael Ian Garey argued for appellant, Francisco Ruvalcabagarcia. Deputy Attorney General, Theodore Cropley argued for respondent. Cause submitted.

G035887     THE PEOPLE  
              v.  
              DAN DUY TRAN

Merits. Cause argued. Roger S. Hanson argued for appellant. Deputy Attorney General, Kristen Chenelia argued for respondent. Cause submitted.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
August 22, 2006 (Cont'd)**

G035664     SUSAN SOSA  
              v.  
              SOUTHERN CALIFORNIA  
              MEDICAL GROUP et al.

Order filed. The petition for rehearing is DENIED.

Fybel, J.

We concur:   Sills, P.J.  
                  Aronson, J.

G034961     THE PEOPLE  
              v.  
              RICHARD JOSEPH  
              NAMEY

Order filed. Submission of the above matter is hereby vacated and the cause resubmitted as of this date for the period allowed by law. The reason submission is vacated is to allow additional time for the preparation of the court's opinion.

Sills, P.J.

We concur:   Rylaarsdam, J.  
                  Aronson, J.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
August 23, 2006**

Court reconvened at 9:30 a.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California 92701. Panel members are Rylaarsdam, Acting Presiding Justice, Aronson, J. and Fybel, J. Orlando Duarte, deputy clerk attending.

G035801      CRYSTAL BERGSTROM  
                 v.  
                 JOHN LOBHERR

Merits. Cause called. Richard G. Heston argued for appellant. Richard L. Enkelis argued for respondent. Cause submitted.

G036587      CHRISTIAN RESEARCH  
                 INSTITUTE et al.  
                 v.  
                 WILLIAM ALNOW

Merits. Cause Called. Kevin Fomasi Kieffer argued for appellants. Tom S. Chun argued for respondents. Cause submitted.

G035997      GHAZAAL FARHANGI  
                 v.  
                 HOMAYOUN BAZARGAN

Merits. Cause called. Appellant argued in pro per. Respondent did not appear. Cause submitted.

G036145      SWH CORPORATION  
G036627      v.  
                 SELECT INSURANCE  
                 COMPANY

Merits. Cause called. Robert Wallan argued for appellant. Richard Stephen Endress argued for respondent. Cause submitted.



**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
August 23, 2006 (Cont'd)**

G035850     RICHARD A. WALL  
              v.  
              RUSSELL GIVENS et al.

Merits. Cause called. Roger E. Naghash argued for appellant. Joseph Caleb Markowitz argued for respondent Russell Givens et al. William E. Halle Argued for respondent R.E. Wall & Associates Inc. Cause submitte.

Court declared a recess.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
August 23, 2006**

Court reconvened at 1:30 p.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California 92701. Panel members are Bedsworth, Acting Presiding Justice, O'Leary, J. and Ikola, J. Orlando Duarte, deputy clerk attending.

G036213     RAELEEN BLOKDYK  
              v.  
              ANDY BLOKDYK

Merits. Cause called. Douglas H. Honig argued for appellant. Patricia J. Grace argued for respondent. Cause submitted.

G036160     JOSEPH ANTICEVICH  
              v.  
              LORRAINE LIVACICH

Merits. Cause Called. Richard w. Millar argued for appellant. David G. Jimenez argued for respondent. Cause submitted.

G036158     AMANDA SELBY  
              v.  
              CINGULAR WIRELESS LLC.

Merits. Cause called. Frederick S. Levin argued for appellant. J. David Franklin argued for respondent. Cause submitted.

G035795     GOLDEN STATE BORING  
              & PIPE JACKING, INC.  
              v.  
              O.C. WATER DISTRICT et al.

Merits. Cause Called. Timothy P. Creyaufmiller argued for appellant. John A. Ramirez argued for respondent O.C. Water District. Kevin Sherrill Collins argued for respondent Colich Construction LP. Cause submitted.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
August 23, 2006 (Cont'd)**

G035739      CREDIT MANAGERS ASSOCIATION  
                 OF CALIFORNIA.  
                 v.  
                 COUNTRYWIDE HOME LOANS, INC.

Merits. Cause called. William John Wall argued for appellant. Sanford Shatz argued for respondent. Cause submitted.

G036287      PALACIO DEL MAR  
                 HOMEOWERS ASSOCIATION  
                 v.  
                 ARNOLD McMAHON

Merits. Cause Called. Appellant Arnold A. McMahon argued in pro per. Michael G. Kim argued for respondent. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
August 23, 2006 (Cont'd)**

G035588     TIM PHAM et al.  
              v.  
              MOSTAFA HASHEMI-  
              NASAB

Order filed. Pursuant to this court's inherent authority, the opinion filed May 19, 2006, is ordered VACATED.

Sills, P.J.

G033831     THOMAS POTTS  
              v.  
              RADIOSHACK  
              CORPORATION et al.

Order filed. The petition for rehearing is DENIED.

O'Leary, J.

We concur:    Bedsworth, Acting P.J.  
                      Ikola, J.

G035974     VAN LONG HUYNH  
              v.  
              KIM PHUNG NGUYEN et al.

Not for publication

Opinion filed. Judgment affirmed.

Moore, J.

We concur:    Bedsworth, Acting P.J.  
                      Ikola, J.

G036127     BENJAMIN B. NGUYEN  
              v.  
              KIMANH THI PHAM

Not for publication

Opinion filed. Order is affirmed.

Moore, J.

We concur:    Bedsworth, Acting P.J.  
                      O'Leary, J.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
August 23, 2006 (Cont'd)**

G036332

QUICK LOAN  
FUNDING, INC.

v.

LE VONA SYKES

Not for publication

Opinion filed. Order is affirmed.

O'Leary, J.

We concur: Bedsworth, Acting P.J.  
Moore, J.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
August 24, 2006**

Court reconvened at 9:30 a.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California 92701. Panel members are Sills, Presiding Justice, Rylaarsdam, J. and Ikola, J. Antoinette Cajigal, deputy clerk attending.

G036773      EDWARD ALVISO ET AL.  
                 v.  
                 SUPERIOR COURT; THE PEOPLE

Merits. Cause called. Kevin J. Phillips, Deputy Public Defender argued for petitioners. William G. Fallon, Deputy District Attorney argued for real party in interest. Cause submitted.

G037152      ABBAS ALHUSAINY  
                 v.  
                 SUPERIOR COURT; THE PEOPLE

Merits. Cause called. Lorraine Anderson argued for petitioner. Jane L. Shade argued for real party in interest. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
August 24, 2006 (cont'd)**

Court reconvened at 1:30 p.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California 92701. Panel members are Sills, Presiding Justice, Rylaarsdam, J. and Fybel, J. Antoinette Cajigal, deputy clerk attending.

G036563      ORANGE COUNTY SOCIAL SERVICES AGENCY  
                 v.  
                 ORANGE COUNTY DEPARTMENT OF EDUCATION

Merits. Cause called. Maria E. Gless argued for appellant. Jeannie Su, Deputy County Counsel argued for respondent. Cause submitted.

G036638      DAVID W. SELLERS  
                 v.  
                 CHON GUTIERREZ, as Director of DEPARTMENT  
                 OF MOTOR VEHICLES

Merits. Cause called. Mark R. Beckington argued for appellant. No appearance by respondent. Cause submitted.

G036469      DAVID GUNTHER  
                 v.  
                 JACK IN THE BOX, INC. ET AL.

Merits. Cause called. Morse Mehrban argued for appellant. Phillip K. Fife argued for respondents. Cause submitted.

G035047      REBECCA A. ASANO ET AL.  
                 v.  
                 HENRICHSEN PROPERTIES, INC. ET AL.

Merits. Cause called. Michael G. York argued for appellants. Michael J. Rand argued for respondents. Cause submitted.

G035362      NEWPORT SPORTS CORPORATION ET AL.  
                 v.  
                 SHAHNAZ E. TEHRANI

Merits. Cause called. Glenn Harper Johnson argued for appellant. No appearances by the respondents. Cause submitted.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
August 24, 2006 (cont'd)**

Court reconvened at 1:30 p.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California 92701. Panel members are Sills, Presiding Justice, Rylaarsdam, J. and Fybel, J. Antoinette Cajigal, deputy clerk attending.

Court declared a recess.



**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
August 24, 2006 (cont'd)**

G035369     THE PEOPLE  
              v.  
              FAUSTO ENCISO

Order filed. Submission of the above matter is hereby vacated and the cause resubmitted as of this date for the period allowed by law.

Sills, P.J.

We concur:   Rylaarsdam, J.  
                  Fybel, J.

G035368     THE PEOPLE  
              v.  
              STEVE ERIC MACARTHUR

Certified for Publication

Opinion filed. Judgment is reversed.

Ikola, J.

We concur:   Bedsworth, Acting P.J.  
                  Moore, J.

G036287     PALACIO DEL MAR  
                 HOMEOWNERS  
                 ASSOCIATION, INC.  
              v.  
              ARNOLD A. McMAHON

Not for publication

Opinion filed. Orders affirmed and remanded with directions.

Ikola, J.

We concur:   Bedsworth, Acting P.J.  
                  O'Leary, J.

G036160     JOSEPH ANTICEVICH  
              v.  
              LORRAINE LIVACICH

Not for publication

Opinion filed. Judgment affirmed in part, reversed in part.

Ikola, J.

We concur:   Bedsworth, Acting P.J.  
                  O'Leary, J.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
August 24, 2006 (cont'd)**

G036735

ORANGE COUNTY  
SOCIAL SERVICES  
AGENCY  
v.  
RUDOLPH A.

Not for publication

Opinion filed. Judgment affirmed.

Sills, P.J.

We concur: Rylaarsdam, J.  
Aronson, J.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
August 25, 2006**

Court reconvened at 9:30 a.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California 92701. Panel members are Rylaarsdam, Acting Presiding Justice, Bedsworth, J. and Ikola, J. Shahira Naqshbandy, deputy clerk attending.

G036303     JOHN KEAMY  
              v.  
              STANLEY E. HANSON ET AL.

Merits. Cause called. Earl R. Wallace argued for appellant. John Keamy ` argued as a pro per for respondent. Cause submitted.

G036350     DAVID ARNDT  
              v.  
              KATHLEEN J. ARNDT

Merits. Cause called. Robert S. Scuderi is argued for appellant. Shara Beral Witkin argued for respondent. Cause submitted.

G037130     DAISY R.  
              v.  
              THE SUPERIOR COURT;  
              SOCIAL SERVICES AGENCY

Merits. Cause called. Dennis M. Nolan argued for appellant. Aurelio Torre Jr. Argued for respondent. Yana N. Kennedy argued for minor. Cause submitted.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
August 25, 2006**

Court reconvened at 9:30 a.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California 92701. Panel members are Rylaarsdam, Acting Presiding Justice, Bedsworth, J. and Ikola, J. Shahira Naqshbandy, deputy clerk attending.

G035700      RONALD GRAVES ET AL.  
                 v.  
                 ESYON CORPORATION ET AL.

Merits. Cause called. Ira reiner argued for appellants. Lawrence J. Siskind argued for respondents. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
August 25, 2006**

Court reconvened at 1:30 p.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California 92701. Panel members are Rylaarsdam, Acting Presiding Justice, Aronson, J. and Fybel, J. Shahira Naqshbandy, deputy clerk attending.

G035991      SUSAN MERRIMAN  
                 v.  
                 WILLIAM A. BAKER

Merits. Cause called. David E. Allen argued for appellant. James C. Harvey argued for respondent. Cause submitted.

G035537      EVELYN CONROY  
                 v.  
                 REGENTS FO THE UNIVERSITY OF CALIFORNIA

Merits. Cause called. Paul M. Mahoney argued for appellant. Louis M. Marlin Argued for respondent. Cause submitted.

G034935      CONSUMER DEFENSE GROUP ACTION  
                 v.  
                 SHELL OIL CO. ET AL.

Merits. Cause called. Anthony G. Graham argued for appellant. Jeffrey J. Parker and George J. Gigounas argued for respondents. Cause submitted.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
August 25, 2006 (Cont'd)**

G035605     HOUMAN MOGHADDAM  
              v.  
              KEVIN BONE et al.

Order filed. Attorney Gina Lisitsa is requesting that our opinion, filed July 27, 2006, be certified for publication. The request is GRANTED.

O'Leary, J.

We concur: Bedsworth, Acting P.J.  
              Ikola, J.

G035583     SONDRA AMES  
              v.  
              ALLSTATE HOME  
              LOANS, INC. et al.

Order filed. The petition for rehearing is DENIED.

O'Leary, J.

We concur: Bedsworth, Acting P.J.  
              Ikola, J.

G036771     ORANGE COUNTY  
              SOCIAL SERVICES  
              AGENCY  
              v.  
              ROSEMARY S.

Order filed. The above entitled cause is ordered submitted this date.

Sills, P.J.

G035865     THE PEOPLE  
              v.  
              SKYLAR TREE  
              CARLSON

Order filed. The above entitled cause is ordered submitted this date.

Sills, P.J.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
August 25, 2006 (Cont'd)**

G035305     THE PEOPLE  
              v.  
              RICHARD STEVEN  
              VEGA et al.

Order filed. The above entitled cause is ordered submitted this date.  
Sills, P.J.

G035634     THE PEOPLE  
              v.  
              ELIEZER SCHWARTZ  
              GUERRERO

Order filed. The above entitled cause is ordered submitted this date.  
Sills, P.J.

G035374     THE PEOPLE  
              v.  
              JOSE ARCEO QUIDACHAY

Order filed. The above entitled cause is ordered submitted this date.  
Sills, P.J.

G036116     THE PEOPLE  
              v.  
              RAFAEL VALADEZ

Order filed. The above entitled cause is ordered submitted this date.  
Sills, P.J.

G036291     THE PEOPLE  
              v.  
              ROBERT WARREN  
              CASSITY

Order filed. The above entitled cause is ordered submitted this date.  
Sills, P.J.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
August 25, 2006 (Cont'd)**

G036110     THE PEOPLE  
              v.  
              JAVIER AVALOS

Order filed. The above entitled cause is ordered submitted this date.  
Sills, P.J.

G035904     THE PEOPLE  
              v.  
              JOVANY JOSUE M.

Order filed. The above entitled cause is ordered submitted this date.  
Sills, P.J.

G034969     THE PEOPLE  
              v.  
              SHERRI YVONNE  
              ROBINSON

Order filed. The above entitled cause is ordered submitted this date.  
Sills, P.J.

G035829     THE PEOPLE  
              v.  
              DREW KEVIN RUSSELL

Order filed. The above entitled cause is ordered submitted this date.  
Sills, P.J.

G036279     THE PEOPLE  
              v.  
              JAIME LAMAS  
              GUERRERO

Order filed. The above entitled cause is ordered submitted this date.  
Sills, P.J.



**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
August 25, 2006 (Cont'd)**

G035738 THE PEOPLE  
v.  
CHRISOPHER A.

Order filed. The above entitled cause is ordered submitted this date.  
Sills, P.J.

G035059 THE PEOPLE  
v.  
MIKE FRANK OCHOA

Order filed. The above entitled cause is ordered submitted this date.  
Sills, P.J.

G035533 THE PEOPLE  
v.  
HUMBERTO FARIAS et al.

Order filed. The above entitled cause is ordered submitted this date.  
Sills, P.J.

G035437 THE PEOPLE  
v.  
EDWARD LEON MARTINEZ

Order filed. The above entitled cause is ordered submitted this date.  
Sills, P.J.

G035529 THE PEOPLE  
v.  
ANTONIO VILLANUEVA

Order filed. The above entitled cause is ordered submitted this date.  
Sills, P.J.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
August 25, 2006 (Cont'd)**

G036213	RAELEEN BLOKDYK v. ANDY BLOKDYK	Not for publication
	Opinion filed. The order is reversed, and the matter remanded for further proceedings.	
	We concur: O’Leary, J. Ikola, J.	Bedsworth, Acting P.J.
G035391	THE PEOPLE v. CANDACE LYNN RESTIVO	Not for publication
	Opinion filed. Judgment affirmed as modified.	
	We concur: Sills, P.J. Aronson, J.	Rylaarsdam, J.
G036006	THE PEOPLE v. OSCAR V.	Not for publication
	Opinion filed. Judgment affirmed.	
	We concur: Bedsworth, Acting P.J. Ikola, J.	O’Leary, J.
G036158	AMANDA SELBY v. CINGULAR WIRELESS LLC	Not for publication
	Opinion filed. The order appealed from is affirmed.	
	We concur: O’Leary, J. Ikola, J.	Bedsworth, Acting P.J.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
August 25, 2006 (Cont'd)**

G035762     THE PEOPLE  
              v.  
              VIETTA LEE RAY

Not for publication

Opinion filed. Judgment affirmed.

Fybel, J.

We concur:   Sills, P.J.  
                  Aronson, J.

